



P.O. Box 352 • 150 S. Bridge St. • Markesan, WI 53946 • P: (920) 398-3031 • F: (920) 398-3991

PUBLIC PROPERTY & HEALTH COMMITTEE

Markesan City Hall

March 3, 2020

6:30 PM

AGENDA

Call to Order

Roll Call

Citizen's Comments

Public Works Report

New Business

- Discussion and Action on Request for Additional Garbage and Recycling Carts at 223 E John Street – Historical Society, Dave Prill
- Discussion and Action on Request for Additional Garbage and Recycling Carts at 51 and 55 E John Street – Jo Lynn Investments LLC, Larry Springer
- Discussion and Action on Amended Pool Ordinance

Old Business

- Discussion and Action on Chicken Ordinance
- Discussion and Action on Property Maintenance and Citations for 309 East John Street
- Discussion and Action on Kohn Bench for Old Cemetery

Adjournment

A quorum of the Markesan Common Council may be in attendance at this meeting to gather information about a subject over which they have decision making responsibility. Under Wisconsin Open Meeting Law, this may constitute a meeting of the Common Council pursuant to the Badtke Decision, however, the Council will not take action at this meeting.

Any person requiring special assistance to participate in this meeting should contact the Clerk-Treasurer at 398-3031 at least 24 hours prior to the meeting so appropriate accommodations can be made.

Posted: Horicon Bank City Hall
ERGO Bank Post Office
www.markesanwi.gov

Dated March 2, 2020
Elizabeth Amend, Clerk-Treasurer

Cart Policy

Residential zoned (R-1) properties will be able to procure additional garbage and recycling carts thru the City.

For each additional cart the property will be billed, up front, the amount of the City's cost per the garbage and recycling contract plus 10% administration fee. Full year bills will be billed in September for the coming year. Partial year bills will be prorated per month. ((cost of the cart* 10% administration fees)*all months used), A partial month will not be prorated.

Smaller carts are available on request. The City will charge a fee of \$35 for each cart that is changed in size.

Commercial and Residential zoned properties with only a garage would have to show a need to the Public Property Committee.

Commercial zoned properties that have a dumpster will have to come before the Public Property Committee to request carts.

Multi-Family, Agriculture and Industrial zoned properties will not be provided a cart, but will be able to acquire 1 cart at cost. See billing policy above.

Properties needing service beyond the above scope, need to contract independently.

Any delinquent bills not paid by September 1st will be put on the property tax roll.

ORDINANCE NO. 115-7

An Ordinance Amending Ordinance No. 115-7 of the Municipal Code of the City of Markesan.

The Common Council of the City of Markesan in session duly begun on the ____ day of _____, 2019, hereby amends Ordinance No. 115-7 of the Markesan Municipal Code to read as follows:

SECTION 1: Ordinance 115-7 of the Municipal Code is hereby amended to read as follows:

Swimming Pool Regulations

A. ~~Definition. A swimming pool is a body of water or an outdoor structure containing a body of water in a receptacle or other container.~~ **Purpose. The purpose of this section is to regulate permanent swimming pools in order to prevent the creation of nuisances and to promote health, safety and general welfare of the public.**

B. Private outdoor swimming pool means a man-made rigid or semi-rigid receptacle for water having a capacity depth at any point greater than 18 inches, used or intended to be used for swimming, wading or bathing, including pools installed or maintained in-ground or aboveground and which is used exclusively by the owner or occupant of the property on which it is located, and his or her family and guests. Installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool. ~~This does not include pools intended for or designed to be disassembled for transportation, storage or relocation.~~ This also includes Portable/Temporary above ground pools **and in-ground hot tubs.** ~~with a capacity depth greater than 48 inches.~~

C. Portable/Temporary above-ground ~~pools are~~ pool means a private **outdoor** swimming pools which can be disassembled for transportation, storage or relocation and includes portable pools with flexible non-rigid walls that achieve structural integrity by means of uniform shape, support frame or a combination thereof, and which can be disassembled for storage or relocation. ~~and which has a capacity depth of less than 48 inches.~~

D. Exempt pools. Storable children's swimming or wading pools with a maximum dimension of 15 feet and a maximum wall height of 18 inches and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this section. **Covered above-ground hot tubs are considered exempt pools.**

E. Permit required. Before work is commenced on the construction or erection of private ~~or residential~~ outdoor swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building permit fee pursuant to the City Building Code shall accompany such application.

F. Construction requirements. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection E unless the following construction requirements are observed:

- (1) Approved materials. All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and codes and with any and all ordinances of the City now in effect or hereafter enacted.

(2) Plumbing. All plumbing work shall be in accordance with all applicable ordinances of the City and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system or onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.

(3) Electrical installations. All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and City ordinances regulating electrical installations.

G. Setbacks and other requirements.

(1) Private **outdoor** swimming pools shall be erected or constructed in rear or side yards only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.

(2) A swimming pool shall be at least 10 feet from any lot line or building unless designed and approved as an addition to a building and in no case shall the pool be allowed closer than what is permitted for an accessory structure.

H. Life Preservers required.

Every private swimming pool shall be equipped with a minimum of two throwing ring buoys or equivalent life preservers.

I. Enclosure – Private Outdoor Swimming Pool.

(1) Fence; in-ground/above ground pools. All outdoor, private pools shall have a fence or other solid structure not less than four feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three inches square. All gates or doors opening through the enclosure shall be equipped with a self-closing and self-latching devices and kept securely closed and locked at all times when not in actual use.

(2) Pool wall border.

(a) An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water-enclosing wall of the pool. Such walls shall extend more than three feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.

(b) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing and gate a minimum of 36 inches high on the top.

J. All Portable/Temporary above ground pools shall be adequately covered or drained when not in use. Pool covers must be well-maintained and secured and fitted to the pool to prevent a child, adult or animal from getting over, under or through. The pool cover fabric must hold a static weight of 485 pounds (the average weight of two adults and one child).

K. Compliance. All swimming pools existing at the time of passage of this chapter not satisfactorily fenced shall comply with the fencing requirements of this section when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

L. Pool Draining. No private swimming pool shall be constructed to allow water from the pool to drain into a sanitary sewer or septic tank or onto any adjoining property. Provisions may be made for draining the contents of a swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Water Department Superintendent and/or Building Inspector.

M. Filter system required. All private, outdoor swimming pools within the meaning of this ordinance must have a filtration system in place to assure proper circulation of the pool water and maintenance of the proper bacterial quality.

N. Dirt bottoms prohibited. All permanent or semi-permanent swimming pools shall have the sides and bottom of a smooth, impervious finish, and no sand or dirt bottom shall be permitted.

SECTION 2: This ordinance shall be in full force and effect upon passage and publication.

ROLL CALL: Ayes ____ Nays ____ Absent ____ Abstained

APPROVED this ____ day of _____, 2019.

CITY OF MARKESAN

RICH SLATE, Mayor

ATTEST:

ELIZABETH AMEND, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL D. SONDALE, City Attorney

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF MARKESAN
REGARDING KEEPING OF CHICKENS**

The City Council of the City of Markesan do ordain as follows:

Section 1. That Chapter 107-10, **Certain animals prohibited; fowls regulated; poultry ranches.**, is hereby amended to read as follows:

§ 216-14. Species prohibited within City.

The species named in this section are by their nature or actions considered to be a public nuisance and are hereby declared to be a nuisance with the City and may not be kept by any person within the City limits: including all cattle, horses, mules and donkeys, sheep, goats and swine, and also all mink, foxes, skunks, raccoons, ducks and geese.

Section 2. That Chapter, ANIMALS, Section **216-23.**, **Keeping of Chickens.**, is hereby created to read as follows:

§ 216-23. Keeping of Chickens.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

CHICKEN – Shall mean a female hen or pullet.

CHICKEN TRACTOR – A movable chicken coop lacking a floor.

HENHOUSE/COOP – A structure where chickens are kept.

ROOSTER – Shall mean a male domestic fowl older than 3 months.

- B. No person shall keep chickens or establish or maintain any henhouse upon any premises within the City limits without a valid permit approved by the City Clerk or his/her designee.
- C. Permit.
- (1) A permit shall be issued only to the primary owner(s) of record of a single family residence located in a residential district. The property owner/permittee shall reside on the premises regulated by the permit. No chicken may be kept at mobile homes,

condominiums, apartment complexes, duplexes, or any other multiple family properties. The propagation of chickens for commercial purposes or for any activity or purpose not related to the personal purpose of the permit holder, including fertilizer production and/or the sale of eggs, shall be prohibited.

- (2) The permit application shall include proof of registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection pursuant to Section 95.51, Wis. Stats.
- (3) The permit application shall include a diagram describing the location of the henhouse in relationship to lot boundaries as required by **Section 720-11**, of the Code. The City Clerk or his/her designee shall review the plan with staff before issuing the permit.
- (4) Where a property is a City-designated historic site, the Historic Preservation Commission shall review the plan for a henhouse prior to the issuance of a building permit.
- (5) The applicant shall mail the permit application to all adjacent property owners requesting consent signatures from those owners.
- (6) All permits shall be issued for a term of one year, commencing with the first day of January of each year and terminating as of 12:00 midnight on the last day of the permit period. Application for permits may be made from January 1 through March 31st of each year without a late fee. A permit that is not renewed shall be considered expired.
- (7) The permit information shall be attached to the henhouse, which shall include a name, permit number and an emergency contact telephone number.
- (8) Permit, late fee and renewal fees shall be paid in accordance with the fee schedule set by resolution of the City Council.
- (9) A permit shall expire at such time as the permittee no longer maintains chickens at the permitted address.
- (10) Upon notification of unsanitary and uncleanness, the City of Markesan has the right to inspect the hen house.
- (11) Revocation. A permit may be revoked by the City Clerk or his/her designee at the request of the Chief Building Inspector, Fire

Inspector, Fire Chief, Police Chief, or any of their designees for the following reasons:

- (a) Failure to comply with any of the provisions of this section of the Code.
 - (b) Where the keeping of chickens is determined to create a nuisance as defined by Chapter 476 of the Code.
 - (c) Where it is determined that the keeping of chickens is detrimental to the life or health of an adjacent property owner. A written physician's report of a medical condition is proof that it would be detrimental.
 - (d) Failing to notify an adjacent property owner(s) and secure consent for the requested permit.
 - (e) Once revoked, a permit shall not be reissued for a two-year period.
- (12) Any applicant whose permit application has been denied or revoked under the provisions of this Ordinance shall have the right to appeal said denial.
- (13) Any permit holder who has his/her permit revoked must within 96 hours properly remove the chickens and henhouse from such property.

D. Standards.

- (1) A total of four hens and/or pullets per lot shall be permitted; roosters and crowing hens shall be prohibited.
- (2) The minimum size requirements for a hen house (a hen house is required) is not less than three (3) cubic feet of space per bird and the hen house must connect to a secure and fully ventilated pen (also required) which contains not less than seven (7) cubic feet of space per bird and an appropriately sized nesting box (also required) shall be provided at the rate of not less than one box per every two birds. Pens shall be properly sized as will permit full spread of the kept birds(s) wingspan and allow the bird(s) to walk/run.
- (3) Chickens shall be housed within a detached stationary structure used exclusively to keep hens. One henhouse shall be permitted

per lot, provided that the property does not include an accessory building such as a storage shed, gazebo, or similar building. Temporary and/or moveable devices and structures, including chicken tractors, shall be prohibited.

- (4) All enclosures for the keeping of chickens must provide adequate ventilation as well as sun protection, and be sanitary, insulated, weatherproof and impermeable to rodents, wild birds, and predators, including dogs and cats and similar. It must also be structurally sound, moisture proof and maintained in good repair with sufficient space for freedom of movement and retention of body heat with elevated perches for natural roosting position. The nesting boxes must be elevated off the ground.
- (5) Chickens shall be secured within a hen house during non-daylight hours.
- (6) No chickens may be kept within a principal residence or garage.
- (7) No person shall keep chickens in any location on the property other than in the backyard. Hen houses and chicken pens shall not be located closer than 75 feet from the ordinary high water mark of any lake, river, or stream.
- (8) Chickens may not roam free outside of a hen house or enclosed run, or roam off of the permitted property. No dog or cat or other domesticated animal that kills a chicken off of the permitted property will, for that reason alone, be considered a dangerous or aggressive animal.
- (9) The slaughter of chickens shall be prohibited.
- (10) If a chicken dies, it must be disposed of promptly in a sanitary manner. Chickens shall be kept and handled in a sanitary manner. Chickens shall be kept as pets and for personal use only.
- (11) All structures and enclosures related to the keeping of chickens must be at least 50 feet from a neighboring principal residence; at least five feet from the side and rear property lines, and at least five feet from the residence upon the property where the chickens are kept.
- (12) Noise from chickens may not be loud enough at the property boundaries to disturb a person of ordinary sensitivity. The hen

house and pen system shall be properly designed, laid out on/over a hard surface and maintained as will provide safe and healthy living conditions for the chickens.

- (13) Enclosures must be cleaned not less than twice weekly, kept dry and in a neat and sanitary condition at all times, and exist in a manner that will not disturb the use of enjoyment of neighboring lots due to noise, odor, or other adverse impact.
- (14) The hen house shall be enclosed on all sides and have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire or fence of no more than one inch openings.
- (15) Provisions must be made for the routine removal and lawful disposal of chicken manure in order to prevent any adverse effects related to odor or unsanitary conditions.

Section 3. That Chapter 216, ANIMALS, Section 216-23., **Violations and penalties.**, is hereby renumbered as Section 216-24.

Section 4. That Chapter 433, LICENSES AND PERMITS, Section 433-1, **Licenses required.**, is hereby amended as follows:

Add Thereto:

N. Keeping of chickens. See Chapters 216 and 720.

Section 5. That Chapter 720., Zoning, Section 720-11., **Accessory buildings and uses.**, paragraph B., is hereby amended to read as follows:

B. Accessory uses shall not include the keeping, propagation or culture of poultry (except racing, homing, and show pigeons), honeybees (as allowed by §216-22), chickens (as allowed by §216-23), rabbits, livestock or other nonhousehold animals, whether or not for profit, except on such lots where the pursuit of agriculture is a permitted principal or accessory use.

Section 6. That Chapter 720, Zoning, Section 720-11., **Accessory buildings and uses.**, paragraph C.(4) Chickens., is hereby created to read as follows:

Add Thereto:

(4) Chickens: R

- (a) Permit required. See § 216-23.
- (b) The maximum size of a henhouse shall not exceed 12 square feet. The area of a henhouse shall include the footprint of the structure and any cantilevered area that extends beyond the footprint.
- (c) The maximum size of a covered run shall not 12 square feet.
- (d) The maximum height of a henhouse, including the area of a covered run, shall not exceed 8 feet.
- (e) Henhouse construction shall utilize a building design and materials suitable for a residential district. The use of corrugated metal, sheet metal, plastic, pallets, scrap materials, and/or similar materials shall be prohibited. The re-use of storage containers, vehicles or parts thereof, and similar objects for a henhouse shall be prohibited.
- (f) No henhouse or henhouse and outdoor run shall be located within 15 feet of any side and/or rear lot line, and/or be sited to obstruct an existing drainage course or create a drainage problem for the property on which it is situated or for any neighboring property.
- (g) Any henhouse or henhouse and outdoor run that is abandoned or its use discontinued for the keeping of chickens for a period of twelve (12) months shall be removed from the premises by the property owner. Modification of a henhouse or henhouse and outdoor run for some other use shall not be permitted.

Section 7. That Chapter 720, Section 720-11., **Accessory buildings and uses.**, paragraph C., (4) through (27) are hereby renumbered (5) through (28).

Section 8. Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Section 216-24., and Section 1-4., of the Code.

Section 9. The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

Section 10. All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

Section 11. This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

ADOPTED:

Lee Ann Lorrigan, President
Fond du Lac City Council

Attest:

City Attorney:

Reviewed DSM

Elizabeth A Amend, City Clerk



P.O. Box 352 •

January 15, 2020

Shawn & Cristal Strahota
309 East John Street
Markesan, WI 53946

Re: Property Maintenance Citation
309 East John Street
City of Markesan, Wisconsin

Dear Mr. Strahota:

The City of Markesan Common Council met on Tuesday, January 14, 2020 for a special hearing that you requested in regards to a property citation at 309 East John Street. You were not in attendance at this meeting, therefore, the Common Council made the motion to begin the citations effective January 15, 2020.

You were asked to please bring a plan and timeline to the Council to remedy the violations stated below:

The City of Markesan Building Inspection Department has received complaints regarding the dilapidated condition of the house located at the above referenced address. This condition is a violation of the City Property Maintenance Code Chapter 273-5 (copy enclosed).

The violations include:

1. *The rear porch guardrail is missing.*
2. *The front porch structure is failing.*
3. *Front and rear exterior steps are unsafe.*
4. *The exterior needs painting for preservation and appearance. Much of the siding has begun to deteriorate.*
5. *The exterior wall covering and windows are not water tight.*

Per the Common Council, citations will be issued daily until the property has been brought up to code.

You may attend the February Public Property meeting to discuss or dispute the citation. If you do come to the February meeting, it is on **Tuesday, February 4th at 6:30 pm**. Please make sure that you bring a plan, timeline, and a list of any contractors that you have consulted or hired for the work, and a list of any repairs that have been completed so far.

If you have any questions or concerns, please feel free to contact me at 920-398-3031.

Sincerely,

Elizabeth Amend, City Clerk-Treasurer

U.S. Postal ServiceTM
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MARKESAN, WI 53946

OFFICIAL USE

Certified Mail Fee \$3.50

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Total Postage and Fees \$6.85

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy)	\$0.00
Return Receipt (electronic)	\$0.00
Certified Mail Restricted Delivery	\$0.00
Adult Signature Required	\$0.00
Adult Signature Restricted Delivery	\$0.00

Postmark Here 01/16/2020

Sent To Shawn & Cristal Strahota
309 E. John St
Markesan WI 53946

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

General Engineering Company
P.O. Box 340
916 Silver Lake Drive
Portage, WI 53901



Engineers • Consultants • Inspectors

608-745-4070 (Office)
608-745-5763 (Fax)
gec@generalengineering.net
www.generalengineering.net

December 5, 2019

Shawn & Cristal Strahota
309 East John Street
Markesan, WI 53946

Re: Property Maintenance
309 East John Street
City of Markesan, Wisconsin

Dear Mr. Strahota:

The City of Markesan Building Inspection Department has received complaints regarding the dilapidated condition of the house located at the above referenced address. This condition is a violation of the City Property Maintenance Code Chapter 273-5 (copy enclosed).

The violations include:

1. The rear porch guardrail is missing.
2. The front porch structure is failing.
3. Front and rear exterior steps are unsafe.
4. The exterior needs painting for preservation and appearance. Much of the siding has begun to deteriorate.
5. The exterior wall covering and windows are not water tight.

You have 30 days from the date of this letter to correct these violations. If violations are not corrected within 30 days penalties will be imposed which will include citations. Per 273-12 each day a violation exists is considered a separate violation and subject to a citation.

You have 5 days from the receipt of this letter to request a hearing before the Common Council. This notice becomes an order after 5 days if a hearing is not requested.

If you have any questions or concerns, please feel free to contact me at (608) 617-6873.

Sincerely,

GENERAL ENGINEERING COMPANY

Timothy Tripp / BKF

Timothy Tripp
City of Markesan
Building Inspector

Portage •

Black River Falls •

La Crosse



Consulting Engineering • Structural Engineering • Building Design • Environmental Services • Building Inspection • GIS Services
Grant Procurement & Administration • Land Surveying • Zoning Administration • Mechanical, Electrical, & Plumbing Services





Betsy Amend <bamend@markesanwi.gov>

Strahota Property

1 message

Tim Tripp <ttripp@generalengineering.net>
To: Betsy Amend <bamend@markesanwi.gov>

Fri, Jan 24, 2020 at 9:41 AM

Betsy,

The City has asked for a list prioritizing the violations listed in the letter to the above referenced property. Each item is a violation of city ordinance 273-5.

However this could be a reasonable progressive approach.

The easiest and least expensive repairs are to provide a code compliant guardrail on the rear porch and code compliant steps on the front porch. (Items 1 and 3 in the attached letter.) This would correct the most obvious and immediate health and safety issues. A building permit would be required for this work.

Next are the more expensive, but necessary repairs for the structural integrity of the house. Repair or replace the missing or broken windows. Repair or replace the deteriorated exterior siding. Repairing these 2 items will prevent further structural damage to the house. It is clear from the pictures the front entry porch/2nd floor deck is structurally unsound and needs to be rebuilt. These items will require a permit as well.





Timothy Tripp
General Engineering Company
Municipal Building Inspector
Office 608.745.4070
Cell 608.617.6873

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